

**NOTICE OF INTENT TO ADOPT A PROPOSED RULE AMENDMENT TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER 553-11, CHANGES IN STATUS, RULE 553-11-.01 CHANGES IN STATUS WHICH MUST BE REPORTED, AND NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PERSONS AND PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the State Licensing Board for Residential and General Contractors, (hereinafter "Board") proposes an amendment to the State Licensing Board for Residential and General Contractors Board Rule Chapter 553-11; Rule 553-11-.01 (herein after "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being disseminated to all persons who have requested, in writing, they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendment, and synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the following Board website <http://sos.ga.gov/index.php/licensing/plb/46>. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at **9:00 a.m. on Wednesday, January 30, 2019** at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcomed. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M. EST) on **Wednesday, January 23, 2019**. Written comments should be addressed to Darren Mickler, Acting Division Director, Office of the Secretary of State, Professional Licensing Boards Division, State Licensing Board for Residential and General Contractors, 237 Coliseum Drive, Macon, Georgia 31217; Fax (478) 207-1458.

The proposed rule amendment will be considered for adoption by the State Licensing Board for Residential and General Contractors at its meeting scheduled to being at **9:00 a.m. on Wednesday, January 30, 2019** at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the State Licensing Board for Residential and General Contractors has the authority to adopt the proposed amendments to Rule 553-11-.01 pursuant to authority contained in O.C.G.A. §§ 43-41-5(a)(7), 43-41-9(d).

The Board will consider at its meeting on Wednesday, January 30, 2019 whether the formulation and adoption of this rule amendment imposes excessive regulatory cost on any licensee or entity and whether any cost to comply with the proposed rule amendment could be reduced by a less

expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-41-5(a)(7) and 43-41-9(d).

Additionally, at the meeting on January 30, 2019, the Board will consider whether it is legal or feasible to meet the objectives of O.C.G.A. §§ 43-41-5(a)(7) and 43-41-9(d) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this proposed rule amendment will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of residential or general contracting.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act O.C.G.A. § 50-13-4.

This 27 day of December, 2018.

  
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Darren Mickler  
*Acting Division Director*  
**Professional Licensing Boards**

Posted: 12/27/18

## SYNOPSIS OF PROPOSED AMENDMENT TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER 553-11, CHANGES IN STATUS, RULE 553-11-.01 CHANGES IN STATUS WHICH MUST BE REPORTED

**Purpose:** The purpose of the rule amendment is to remove the change in Qualifying Agent affiliation and submission of prior approval application from this rule and revise the changes in status which are to be reported to the Board.

**Main Features:** The amended rule revises the rule by updating the changes in status which are to be reported to the Board, removes the notification of disaffiliation of the Qualifying Agent with a business organization, and removes the residential contractor submission of a prior approval application from this rule.

### DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENT TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS, BOARD RULE CHAPTER 553-11, CHANGES IN STATUS, RULE 553-11-.01 CHANGES IN STATUS WHICH MUST BE REPORTED

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

#### Rule 553-11-.01 Changes in Status Which Must Be Reported.

~~(1) A licensee shall report to the Board in writing the following occurrences:~~

~~a) A change in address or location.~~

~~1. A change in mailing address or physical location for the individual or Qualifying Agent must be made in writing or online within 30 days of the change.~~

~~2. A change in mailing address or physical location for the business organization must be made in writing or online within 45 days of the change.~~

~~3. If a duplicate pocket card is desired, a form available online must be submitted along with a fee.~~

~~(b) A change in the name of the business organization.~~

~~1. Notification must include evidence of the new name registered with the Secretary of State's office, if applicable.~~

~~2. If a duplicate pocket card is desired, a form available online must be submitted along with a fee.~~

~~3. This notification must occur within 45 days of the change.~~

~~(c) A change in the business organization's structure.~~

~~1. If a business organization's structure changes (e.g., ABC, Inc. to ABC, LLC), this is not considered a name change.~~

~~2. To license the new business organization, a previously qualified Qualifying Agent may apply for licensure by prior approval by submitting the appropriate form, available online, and fee.~~

~~3. This notification must occur within 45 days of the change.~~

~~(d) A change in an individual's or qualifying agent's name.~~

~~1. Notification must include copies of legal name change documents (e.g. divorce decree, marriage license, etc.)~~

~~2. If a duplicate pocket card is desired, a form, available online, must be submitted along with a fee.~~

~~3. This notification must occur within 30 days of the change.~~

~~(e) A change in the Qualify Agent affiliation with a business organization.~~

- ~~1. Notification that a Qualifying Agent is no longer affiliated with a business organization must be reported by the Qualifying Agent within 30 days of disaffiliation.~~
  - ~~2. Notification that a Qualifying Agent is no longer affiliated with a business organization must be reported by an officer or an owner of the company within 45 days of disaffiliation.~~
  - ~~3. A Qualifying Agent license will have the status of "null and void" upon the Board's receipt of such notice.~~
  - ~~4. A Residential Basic or Residential Light Commercial Qualifying Agent will have 1 year from the date of disaffiliation to submit an application for licensure by prior approval with the appropriate fee.~~
  - ~~5. A business organization will have 120 days from the date of disaffiliation to submit an application for another Qualifying Agent, unless the business organization has another Qualifying Agent.~~
  - ~~6. A Residential Basic or Residential Light Commercial Qualifying Agent who leaves a business organization and does not submit a prior approval application within 1 year of disaffiliation must re-apply for licensure by examination. Exam scores that are less than two years old at the time of application may be used to meet the examination requirement.~~
- ~~However, application for licensure is still required.~~

(1) A licensee shall report the following changes to the Board:

(a) A change in an individual's or qualifying agent's legal name.

1. A change in an individual's or qualifying agent's legal name must be submitted on the designated form established by the Board within 30 days of the change.

2. Notification must include copies of legal name change documents (e.g. divorce decree, marriage license, etc.)

(b) A change in address or location.

1. A change in mailing address or physical location for the Individual or Qualifying Agent must be submitted on the designated form established by the Board within 30 days of the change.

2. A change in mailing address or physical location for the business organization must be submitted on the designated form established by the Board within 45 days of the change.

(c) A change in the name or structure of the business organization.

1. A change in the name of the business organization must be submitted on the designated form established by the Board within 45 days of the change and must include a Certificate of Amendment from the Corporations Division of the Secretary of State's office.

2. A change in the structure of the business organization (e.g., ABC, Inc. to ABC, LLC) is not considered a name change and a new application will be required.

**Authority: O.C.G.A. §§ 43-41-5(a)(7) and 43-41-9(d).**

**Rule 553-11-.01 Changes in Status Which Must Be Reported.**

(1) A licensee shall report the following changes to the Board:

(a) A change in an individual's or qualifying agent's legal name.

1. A change in an individual's or qualifying agent's legal name must be submitted on the designated form established by the Board within 30 days of the change.

2. Notification must include copies of legal name change documents (e.g. divorce decree, marriage license, etc.)

(b) A change in address or location.

1. A change in mailing address or physical location for the Individual or Qualifying Agent must be submitted on the designated form established by the Board within 30 days of the change.

2. A change in mailing address or physical location for the business organization must be submitted on the designated form established by the Board within 45 days of the change.

(c) A change in the name or structure of the business organization.

1. A change in the name of the business organization must be submitted on the designated form established by the Board within 45 days of the change and must include a Certificate of Amendment from the Corporations Division of the Secretary of State's office.

2. A change in the structure of the business organization (e.g., ABC, Inc. to ABC, LLC) is not considered a name change and a new application will be required.

**Authority: O.C.G.A. §§ 43-41-5(a)(7), 43-41-9(d).**